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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/002,253	11/02/2001	David Chao	7115.026	2778	
25546 7	590 02/20/2003				
DREIER & BARITZ LLP 499 PARK AVENUE 20TH FLOOR			EXAMINER		
			MOHANDESI, JILA M		
NEW YORK,	NY 10022		ART UNIT	PAPER NUMBER	
			3728		
			DATE MAILED: 02/20/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

a		_		N.K			
		Application No.	Applicant(s)				
Office Action Summary		10/002,253	CHAO, DAVID				
		Examiner	Art Unit				
		Jila M Mohandesi	3728				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM							
- Extended after 5 - If the - If NO - Failur - Any re	MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, apply received by the Office later than three months after the mailing d patent term adjustment. See 37 CFR 1.704(b).	within the statutory minimum of thirty vill apply and will expire SIX (6) MONT cause the application to become ABA	(30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).	on.			
1)⊠	Responsive to communication(s) filed on <u>02 N</u>	lovember 2001 .		:			
2a) <u></u> □	This action is <b>FINAL</b> . 2b) Thi	is action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims  AND Claims  A 12 in face manding in the condition							
·	Claim(s) <u>1-42</u> is/are pending in the application 4a) Of the above claim(s) is/are withdray						
		vii iroiti consideration.					
	5) Claim(s) is/are allowed.						
	6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.							
8) Claim(s) 1-42 are subject to restriction and/or election requirement.  Application Papers							
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) All b) Some * c) None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachment(s)							
2) Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Ir	ummary (PTO-413) Paper No(s) formal Patent Application (PTO-152)				

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## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I as shown in Figures 1-2.

Species II, as shown in Figures 3-4.

Species III, as shown in Figures 5-6.

Species IV, as shown in Figures 7-8.

Species V, as shown in Figures 9-10.

Species VI, as shown in Figures 11-12.

Species VII, as shown in Figures 13-14.

Species VIII, as shown in Figures 15-16.

Species IX, as shown in Figures 17-19.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Dreier & Baritz LLP on February 14, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M Mohandesi whose telephone number is (703)305-7015. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (703) 308-2672. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Jila M Mohandesi

In M. Mar

Examiner

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JMM

February 14, 2003